

UNITED STATES DISTRICT COURT

for the Southern

United States Courts
Southern District of Texas
FILED

JAN 21 2020

David J. Bradley, Clerk of Court

District of Texas

Houston Division

Case No. _____

(to be filled in by the Clerk's Office)

Kevin Andrew Powe

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Patricia Ann Stephens, Judge of the Alabama 10th
Judicial Circuit

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) Yes No ☒

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Kevin Andrew Powe
Street Address	12203 Lakewood Glen CT
City and County	Cypress/Harris
State and Zip Code=	Texas 77429

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Telephone Number	(205) 422-6825
E-mail Address	powekv@aim.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	Patricia Ann Stephens
Job or Title (<i>if known</i>)	Circuit Judge, Jefferson County, Alabama
Street Address	2124 7th Avenue North, Suite 210
City and County	Birmingham/Jefferson
State and Zip Code	Alabama 35203
Telephone Number	(205) 325-5406
E-mail Address (<i>if known</i>)	

Defendant No. 2

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 3

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Telephone Number _____

E-mail Address *(if known)* _____

Defendant No. 4

Name _____

Job or Title *(if known)* _____

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address *(if known)* _____**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

Federal question ☒Diversity of citizenship ☐

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

42 U.S.C. § 1983

U.S. Const. Amend. V (Due Process Clause)

U.S. Const. Amend. XIV, § 1 (Due Process Clause)

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) _____, is a citizen of the
State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated
under the laws of the State of (name) _____,
and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of
the State of (name) _____. Or is a citizen of
(foreign
nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under
the laws of the State of (name) _____, and has its
principal place of business in the State of (name) _____.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Claim 1: On August 3, 2017, the Plaintiff in this civil suit was summoned from Texas to appear at a *rule nisi* hearing in Birmingham, AL to answer charges of civil contempt for unfounded claims of owing almost \$250,000 in child support arrearages. Patricia A. Stephens acting under color of law as judge knowingly and maliciously violated Constitutional due process by imposing a sentence of 315 days in jail for civil contempt without a trial based only on the false statements and the fraudulent, manufactured evidence of a prosecuting attorney although sufficient evidence was presented in court that the allegations were entirely false. This sentence was agreed by all parties and ordered to be removed, purging contempt, if a monthly payment of \$550 was made from that point forward and a hearing for determination of compliance was set six months afterwards.

Claim 2: On February 1, 2018, the Defendant of this Federal civil suit, Stephens, violated Constitutional due process once again by remanding the Plaintiff to custody to begin serving the originally imposed sentence without a trial, although the August 2017 binding memorandum agreement was followed exactly and was proven in court on the date of this hearing. In addition, Stephens ordered \$10,000 to be paid to the Plaintiff's attorney in full as condition of release from custody, resulting in the unlawful deprivation of liberty and property.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

The Plaintiff asks the court to award monetary damages for financial losses suffered directly and indirectly from the Defendant's unwillingness or inability to conduct herself as an impartial adjudicator with integrity in legal proceedings as a duly elected judge. The court is also asked to award punitive damages for gross indifference to constitutionally protected civil rights of due process in clear and reprehensible violation of her Oath of Office. The sum of these damages is **\$527,353**. As the veracity of the Plaintiff's complaint is a matter of public record and the U.S. Supreme Court bars the defense of qualified immunity to § 1983 because constitutional laws were knowingly and maliciously violated in bad faith under color of law, a defense of opposition would be inherently dubious and frivolous, unnecessarily prolonging this proceeding. Therefore, the Plaintiff asks for treble damages in the amount of **\$1,582,059** if this suit goes to trial.

Unlawful court ordered payment	\$10,000
Attorneys' fees	\$6,493
CPA Services	\$4,025
Legal Research	\$7,100
Federal Court Costs	\$1,305
Punitive	\$250,000
Lost Future Wages	\$248,430
Total without trial	\$527,353
Trial award total	\$1,582,059

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

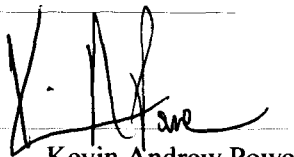
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: January 21, 2020

Signature of Plaintiff

Printed Name of Plaintiff


Kevin Andrew Powe

B. For Attorneys

Date of signing:

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address